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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,662	02/08/2006	Amnon Yacoby	121147818NP	3988

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GOODWIN PROCTER L.L.P
ATTN: PATENT ADMINISTRATOR
620 Eighth Avenue
NEW YORK, NY 10018

EXAMINER

CHRISTENSEN, SCOTT B

ART UNIT	PAPER NUMBER
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2144

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08/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,662	Applicant(s) YACOBY ET AL.	
	Examiner Scott Christensen	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in regards to the most recent papers filed on 2/8/2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Open e-Security Platform as in "Partner Sales Guide" from Winter 2002, hereafter referred to as "e-Security" in view of Mattila et al. in US 2004/0049566, hereafter referred to as "Mattila."

With regard to claim 26, e-Security discloses:

collecting real-time operation information on one or more first elements of a network (e-Security: Page 13. As shown in the figure, e-Security agents are utilized to collect information from disparate sources and correlate the information in a database.).

e-Security does not disclose expressly:

selecting a policy to be implemented by at least one second network element different from the first network element, responsive to the collected real time information from the one or more first network elements, the at least one second element including an endpoint of the network and hosting an agent, and enforcing the selected policy on the agent hosted by the at least one second network element.

However, Mattila discloses a system where a proxy (agent) is deployed onto a network element and is used to perform the operations defined by a configuration plan to change the settings of the network element (Mattila: Figure 2 and paragraph [0005]).

Thus, it would have been obvious to utilize the disclosure of Mattila in the method of e-Security.

The suggestion/motivation for doing so would have been that e-Security is concerned with the collection of information from disparate sources, including routers, operating systems, firewalls, etc. (e-Security: Page 15). Thus, many of the detected events will be unrelated to the cause of the problem. For example, information collected from a firewall will typically show problems with other nodes on the network, not with the firewall itself, as it usually reports on attempted intrusions. Thus, using a system such as that of Mattila allows for agents to be utilized to perform the corrections required to remedy the problems detected by the agents of e-Security.

With regard to claim 27, e-Security as modified by Mattila teaches that collecting real-time operation information comprises collecting information on operation problems (e-Security: Page 8. e-Security can view the status of different devices along with logged information in the devices. Thus, the information may be related to operational problems depending on the status of the devices.).

With regard to claim 28, e-Security as modified by Mattila teaches that collecting real-time operation information comprises collecting information on software

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applications installed or running on network elements (e-Security: Page 15. e-Security collects data from operating systems, which includes software applications running on network elements.).

With regard to claim 29, e-Security as modified by Mattila teaches the invention as substantially claimed except that collecting real-time operation information comprises collecting information on system or application crashes.

However, Official Notice is taken that it was well known in the art to collect information on system crashes.

Thus, it would have been obvious to collect information on system crashes in the disclosure of e-Security as modified by Mattila.

The suggestion/motivation for doing so would have been that e-Security is concerned with collecting information on security events. A crashed system may be symptomatic of certain types of attacks that the network administrator should be made aware of.

With regard to claim 30, e-Security as modified by Mattila discloses that collecting information comprises collecting information on software applications installed or running on the network elements (e-Security: Page 15. Information may be collected on at least anti-virus software and operating systems.).

With regard to claim 31, e-Security as modified by Mattila teaches that collecting real-time operation information comprises collecting information on the communications between elements of the network (e-Security: Page 15. Included in the devices that are monitored are intrusion detection, firewalls, and authentication, all of which include information on some communication between elements on the network.).

With regard to claim 32, e-Security as modified by Mattila teaches the invention as substantially claimed except that selecting the policy to be implemented comprises selecting a policy relating to a software to be installed on the second network element.

However, official notice is taken that automatic updates of software were well known in the art.

Thus, it would have been obvious to have the configuration plan of -Security as modified by Mattila relating to software to be installed.

The suggestion/motivation for doing so would have been that often times merely changing the settings of a network element is not enough to correct a problem in a network, or to bring an element in line with the desires of a network administrator. Thus, having the configuration plan include information on where to fetch software and have instructions to install the software would allow e-Security as modified by Mattila to enjoy a higher level of automation.

With regard to claim 33, e-Security as modified by Mattila teaches the invention as substantially claimed except that selecting the policy to be implemented comprises

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selecting a policy relating to a software to be uninstalled from the second network element.

However, official notice is taken that automatic uninstalling software was well known in the art.

Thus, it would have been obvious to have the configuration plan of e-Security as modified by Mattila relating to software to be uninstalled.

The suggestion/motivation for doing so would have been that often times merely changing the settings of a network element is not enough to correct a problem in a network, or to bring an element in line with the desires of a network administrator. Thus, having the configuration plan include information on where to fetch software and have instructions to uninstall the software would allow e-Security as modified by Mattila to enjoy a higher level of automation.

With regard to claim 34, e-Security as modified by Mattila teaches the invention as substantially claimed except that selecting the policy to be implemented comprises selecting a policy relating to preventing the installation of a software on the second network element.

However, it was well known in the art to prevent installation of software on network elements.

Accordingly, it would have been obvious to have the policy relate to preventing the installation of a software on the second network element.

The suggestion/motivation for doing so would have been that there would have been many reasons to prevent the installation of software. First, the software may have a known security vulnerability, thus making it undesirable to deploy the software on a large scale in a network. Further, virus and spyware scanners are concerned with preventing software to be installed, meaning that having the policy involve updating virus/spyware scanners would mean that the policy relates to preventing the installation of a software, where the software is a virus or spyware.

With regard to claim 35, e-Security as modified by Mattila teaches the invention as substantially claimed except that selecting the policy to be implemented comprises selecting responsive to a determination that a group of network elements having a common problem have installed thereon a specific software application or combination of software applications.

However, a person of ordinary skill in the art would have known how to perform this functionality.

Thus, it would have been obvious to have selecting the policy to be implemented comprises selecting responsive to a determination that a group of network elements having a common problem have installed thereon a specific software application or combination of software applications.

The suggestion/motivation for doing so would have been that e-Security is concerned with correlating events to allow connections between different events to be seen. Thus, if a combination of software applications is causing a problem, the

information that was correlated could show this problem, and thus assist in determining the solution to the problem.

With regard to claim 36, e-Security as modified by Mattila teaches selecting a policy relating to allocation of network resources (e-Security: Page 15. Deploying any policy to firewalls or authentication devices relates to allocation of network resources, as these device are directly involved in the allocation of network resources. It is noted that the instant claim provides no detail on what constitutes "relating," thus meaning that a policy having any relation to allocation of any network resource meets the claim language.).

With regard to claim 37, e-Security as modified by Mattila teaches the invention as substantially claimed except that the policy is selected within less than 60 minutes from the collection of the information.

However, having the policy selected (not necessarily implemented) within 60 minutes from the collection of the information would have been well known to a person of ordinary skill in the art.

Thus, it would have been obvious to have the policy selected within 60 minutes from the collection of the information.

The suggestion/motivation for doing so would have been that having a problem resolved as quickly as possible allows the network to become error free as quickly as possible, thus resulting in less potential loss.

With regard to claim 38, e-Security as modified by Mattila teaches that collecting the operation information is performed repeatedly (e-Security: page 10. e-Security provides real-time awareness, meaning that the information is collected in real-time).

With regard to claim 39, e-Security as modified by Mattila teaches that the method is adapted to select the policy to be implemented by the at least one second network element responsive to operation information collected from at least 2 first network elements (e-Security: Page 15. Alerts are generated based on collected information from many network elements.).

With regard to claim 40, the disclosed invention is substantially similar that of claim 26, and is rejected for substantially similar reasons.

With regard to claim 41, e-Security as modified by Mattila teaches that the processor is adapted to find, for a group of network elements having a problem, a combination of attribute values that correlate with the problem to at least a predetermined degree (e-Security: Page 10, "Correlation." e-Security correlates events that may be related based on attributes of the event.).

With regard to claim 42, e-Security as modified by Mattila teaches the invention as substantially claimed except that the processor is adapted to find, for a group of

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network elements having a problem, a combination of attributes values that appears only on the network elements having the problem.

However, a person of ordinary skill in the art would have known how to have the processor is adapted to find, for a group of network elements having a problem, a combination of attributes values that appears only on the network elements having the problem.

Thus, it would have been obvious to have the processor is adapted to find, for a group of network elements having a problem, a combination of attributes values that appears only on the network elements having the problem.

The suggestion/motivation for doing so would have been that e-Security is intended to correlate events to find all the information that is relevant to a single event. Thus, finding a common attribute that is only on affected systems appears to be the intention of the correlation, which would allow connections to be found between the different elements.

With regard to claim 43, e-Security as modified by Mattila teaches that the processor is adapted to collect for at least one network element, a plurality of snapshot records of the network element at different times (e-Security: Page 13. The agents collect information in a continuous fashion from different event sources.).

With regard to claim 44, e-Security as modified by Mattila teaches that the processor is adapted to verify that each network element belongs to the network before

collecting information from the network element (e-Security: page 13. There is no requirement as to what is meant by “belongs to the network.” Being connected to a network constitutes “belong to the network.” e-Security can only collect information from nodes that “belongs to the network.” Therefore, if information is received, the node “belongs to the network.”).

With regard to claim 45, e-Security as modified by Mattila teaches the invention as substantially claimed except that the processor is adapted to find groups using a k-clustering or hierarchy clustering method.

However, a person of ordinary skill in the art would have known how to have the processor of e-Security as modified by Mattila find groups using a k-clustering or hierarchy clustering method.

Thus, it would have been obvious to have processor of e-Security as modified by Mattila find groups using a k-clustering or hierarchy clustering method.

The suggestion/motivation for doing so would have been that both k-clustering and hierarchy clustering methods divide the network into smaller portions in order to facilitate different processes within the network. For example, k-clustering divides the network into non-overlapping sub networks, which then allows the monitoring and policy functions of e-Security as modified by Mattila to be performed with respect to the sub networks as far as collection and deployment, but correlated in a centralized fashion to allow the necessary correlation activities to be performed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner, Art Unit 2144

/S. C./
Examiner, Art Unit 2144